

27393. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether (and two other seizure actions). Consent decrees of condemnation and destruction. (F. & D. nos. 39271, 39272, 39273. Sample nos. 21649-C, 21650-C, 21654-C.)

This ether differed from the standard prescribed by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both.

On March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 cans of ether at New Orleans, La., alleging that the article had been shipped in interstate commerce by Merck & Co., Inc., from St. Louis, Mo., in various shipments on or about September 29, December 29, 1936, and February 2, 1937, and charging that it was adulterated and misbranded and that it was "at the time of shipment, and still is, subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." On May 5, 1937, the allegation in each of the original libels, in the words above quoted, was amended to read that the article "is subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity for ether as determined by the tests laid down in the pharmacopoeia and its own standard of strength, quality, and purity was not stated on the container.

The article was alleged to be misbranded in that the statement "Ether * * * U. S. P." was false and misleading when applied to an article containing aldehyde or peroxide, or both.

On May 25, 1937, no claim having been entered for the product and Merck & Co., Inc., having consented to its destruction, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27394. Adulteration and misbranding of ether. U. S. v. 14 Cans of Ether (and 5 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39268, 39294, 39304, 39399, 39407, 39619. Sample nos. 80755-C, 84627-C, 84629-C, 84711-C, 84723-C, 84782-C, 84794-C.)

This product differed from the standard established by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both aldehyde and peroxide.

On March 25 and March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cans of ether at New Orleans, La. On April 2, 20, and 21 and May 17, 1937, libels were filed against 160 cans of ether at El Paso, Tex., 104 cans of ether at Birmingham, Ala., and 105 cans of ether at Houston, Tex. The libels alleged that the article had been shipped in interstate commerce by the Mallinckrodt Chemical Works from St. Louis, Mo., that the product seized at New Orleans, La., had been shipped on or about October 8 and October 10, 1934; that the product seized at Birmingham, Ala., had been shipped on or about July 24 and August 17, 1935; that the product seized at El Paso, Tex., had been shipped on or about March 15, 1936, and that the product seized at Houston, Tex., had been shipped on or about March 26, 1937. The libels alleged further that the article was adulterated and that portions thereof were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia"; one shipment was labeled further: "Fully conforms to all requirements of the U. S. P. XI."

The article in all shipments was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia and its own standard of strength was not stated on the container.

The product seized at Birmingham, Ala., was alleged to be misbranded in that the statement on the label "Ether for Anesthesia", was false and misleading: that seized at Houston, Tex., was alleged to be misbranded in that the statement on the label, "Ether * * * Fully conforms to all requirements of the U. S. P. XI," was false and misleading when applied to an article in which peroxide was present.

On May 5, May 27, June 3, and July 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27395. Adulteration and misbranding of Snipes' Japicura Skin Remedy. U. S. v. 63 Bottles of Snipes' Japicura Skin Remedy. Judgment of condemnation and destruction. (F. & D. no. 39311. Sample no. 21779-C.)

The labeling of this product contained false and fraudulent curative and therapeutic claims. It also bore false and misleading representations regarding its germicidal properties, its alleged harmlessness, and the amount of phenol present in the article.

On April 3, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 bottles of Snipes' Japicura Skin Remedy at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about January 6, 1937, by the Snipes Medicine Co., from Little Rock, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of phenol (17 percent by weight), glycerin, sassafras oil, menthol, and salicylic acid.

It was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, "Phenol 25 per cent", since it contained less phenol than declared.

The article was alleged to be misbranded in that the statements (carton) "It Destroys the Germs" and (carton and circular) "Kills the Germs", were false and misleading since they represented that it would destroy and kill germs, whereas it would not destroy or kill all germs. The article was alleged to be misbranded further in that the statements, (carton) "A safe and successful treatment of a noted physician for all skin diseases, such as Eczema, Tetters, Ringworm, Rose Patch, Shingles, Poison Oak, Insect Bites and all forms of Itch", (circular) "This remedy may redden the skin or sting somewhat when applied, but do not be alarmed. It is merely doing its work * * * Apply Japicura to parts affected morning and night, or oftener, * * * Apply 2 or 3 times daily * * * repeat several times 15 or 20 minutes apart. * * * Rub * * * 2 or 3 times a day", were false and misleading since they would mislead the purchaser to believe that the article was a safe and appropriate remedy for the various disorders claimed on the label; whereas it was not a safe and appropriate remedy for such disorders, but was a dangerous drug when used as directed. And the article was alleged to be misbranded for the further reason that the statements above quoted were statements regarding its curative and therapeutic effects and were false and fraudulent. It was alleged to be misbranded further in that certain statements on the bottle label and additional statements on the carton and in the circular contained in the carton, regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective as a valuable remedy for all itching skin, eruptions, such as itch, ringworm, poison oak, eczema; effective to relieve a violent case of itch; effective as a skin remedy; effective to kill the parasites or germs that are imbedded in the skin, to give permanent relief and to control itching; effective to relieve itching or burning; effective as a treatment for cuts, burns, swelling, to counteract the poison from and to prevent sores from mosquitoes, chiggers, or other insects, and as a treatment for old itching sores; effective to relieve congestion and stop the pain of rheumatism; and effective as a treatment for itching piles, barber's itch, and other itching eruptions.

The libel further charged that the article was misbranded in violation of the Federal Caustic Poison Act reported in Notice of Judgment No. 60 published under that act.

On June 21, 1937, the court having found the allegations of the libel to be true, and in accordance with the verdict of a jury, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*